



Frequently Asked Questions

Lake Tapps - Puget Sound Energy Application for Water Right

Puget Sound Energy (PSE) has applied for a municipal water right from the state Department of Ecology (Ecology) that would allow the utility to use the Lake Tapps reservoir as a new resource for municipal (public) water supply.

If issued, the water right would allow PSE to divert water from the White River and store it in Lake Tapps to provide a municipal drinking water supply and to augment stream flow for fish.

PSE believes it is no longer cost effective for the utility to continue to operate its White River hydroelectric project under the terms of a license issued by the Federal Energy Regulatory Commission (FERC). Lake residents are concerned because Lake Tapps would essentially go dry if the project is decommissioned.

Q: What is Ecology's role in saving Lake Tapps?

A: In February 2000, the Lake Tapps Task Force (comprised of local governments, PSE, Ecology, and private groups) recommended 13 lake-saving options. The preferred option was a proposal for PSE to obtain a water right to divert water from the White River. PSE would then sell the water to a municipal water-supply system to help offset the high cost of operating its hydroelectric project.

Ecology is actively involved because it administers the state's water laws and oversees the state's water rights. Ecology is just beginning to assess whether PSE's proposal is environmentally viable.

According to our state's water right laws, water right applications for water from the same source must be processed in the order they were filed. Consequently, before PSE's water right application can be processed, older water right applications for water from the White River watershed must be first processed.

To expedite processing all of the water right applications ahead of PSE's, PSE is reimbursing Ecology for costs incurred in processing those applications. "Cost recovery" is a relatively new mechanism approved by the legislature in which Ecology can be reimbursed for costs to expedite processing of water right applications. Ecology applies additional resources that speed the process and recovers the costs from the applicant, in this case, PSE.

Ecology has hired the environmental engineering and consulting firm of Hart-Crowser, Inc., to work on this project. PSE is paying the cost for this.

Q: How can Ecology consider PSE's application when the White River watershed is closed to further water right appropriations?

A: Although the White River watershed is closed to further water right appropriations, Ecology can accept a water right application if there may be an overriding consideration of public interest. Providing a reliable municipal water supply and potentially augmenting river flows to benefit fish may provide that overriding consideration.

Q: How many water right applications are ahead of PSE's?

A: Ecology estimates there are approximately 24 senior water right applications ahead of PSE's in the White River watershed. We will know more once an analysis is completed by Hart-Crowser, Inc.

Q: Ecology has issued a preliminary permit to PSE . What does that do?

A: The preliminary permit is not a water right approval, rather it is the document that starts the water-right assessment process. Ecology issues a preliminary permit when it needs additional information about a project. In this case, Ecology will be using the additional information so it can analyze the potential environmental effects of the PSE proposal and make an informed water right decision. The preliminary permit assigns deadlines for PSE to provide that information.

Q: What is the role of the Puyallup and Muckleshoot tribes in the water rights decisions?

A: Before the preliminary permit was issued, Ecology consulted with both the Muckleshoot and Puyallup tribes. Both tribes have treaty rights that drive their interest in how the proposal affects the quantity and quality of water in the White and Puyallup river watersheds. Both tribes have requested that Ecology consult with them before making decisions that affect these interests and rights.

Ecology signed a protocol with the Puyallup Tribe that establishes implementation procedures for consultation between the tribe and Ecology for governmental actions that affect water resources in the Puyallup, Carbon and White river watersheds. The protocol is written around three communication goals:

- Provide early notification
- Provide adequate information
- Engage in timely consultation

The development of the protocol is an outgrowth of the 1989 Centennial Accord and augments the 1997 Intergovernmental Agreement between the tribe, Ecology, and the U.S. Environmental Protection Agency.

Additionally, the tribe has adopted water quality standards for their reservation. As such, they are "co-regulators" of the water quality in the watershed. The tribe and

Ecology have developed specific communication procedures that recognize that relationship.

Q: Does a water right guarantee that the water will be drinking-water-quality so PSE can sell it?

A: No. The state Department of Health will need to ensure that drinking water standards are met for any municipal water purveyor that might buy the water to pass it along to communities.

Q: What about fish in the White River? Would this new water right affect them?

A: This is an important question and one that Ecology and state and tribal fish managers will be exploring. Maintaining adequate flows in the White River for fish is a priority. Information that has been requested in the preliminary permit process will help answer the question. There may be ways to withdraw water on a seasonal basis so that fish will not be adversely affected.

In its application, PSE states that its water right proposal would enable the utility to use its Lake Tapps reservoir to enhance in-stream flows for fish during periods when flows in the White and Puyallup rivers are, under natural conditions, below normal. The White River project currently provides a facility to transport migrating fish around the U.S. Army Corps of Engineers Mud Mountain Dam on the White River.

Q: What happens next?

A: Ecology is actively seeking public viewpoints as it approaches a water right decision for Puget Sound Energy (PSE), which is partnering with Cascade Water Alliance, a consortium of municipalities. A public meeting is set for 6 - 10 p.m., March 13, at the Washington State Criminal Justice Training Center Auditorium, 19010 1st Ave. S. in Burien. This will be an opportunity for the public to hear presentations and ask questions of Ecology, PSE and Cascade Water Alliance.

Q: How can I get more information?

A: A coalition of citizens has formed to save Lake Tapps. More information can be found about this group at <http://www.savelaketapps.com>

In addition, many public and private groups are represented on the Lake Tapps Task Force. This group is working collaboratively to find solutions to saving the lake.

More information about the task force can be found at
<http://www.savelaketapps.com/task%20Force%20Info.htm>

See Puget Sound Energy's web site at <http://www.whiteriverproject.com>

More information about water rights in Washington can be found on Ecology's web site at <http://www.ecy.wa.gov/programs/wr/rights/wrs-home.html>

The preliminary permit and other pertinent documents can be viewed on Ecology's Lake Tapps web site at <http://www.ecy.wa.gov/programs/wr/swro/lktapps/home.html>

If you have specific questions about Ecology's work on this water right, you can contact Wendy Bolender at the Department of Ecology in Lacey at 360-407-6957 or e-mail her at wbol461@ecy.wa.gov

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